

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KENNETH GORDON WESCOTT,

Defendant.

Case No. 2:14-cr-00085-APG-CWH

**ORDER**

This matter is before the Court on *pro se* Defendant Kenneth Gordon Wescott's ("Wescott") Motion to Renew Motions (doc. # 153), filed July 14, 2015, and the government's response (doc. # 174), filed July 31, 2015.

In his motion to "renew," Wescott asks the Court to reconsider his motion to dismiss for lack of territorial jurisdiction (docs. # 80, # 86, # 99, # 101, # 109) and motion in limine (doc. # 114). In support, Wescott relies upon the Federal Rules of Civil Procedure, which are not applicable to the instant criminal action.

Turning to Wescott's motion to dismiss for lack of territorial jurisdiction (doc. # 80), the record reveals that Wescott's motion was the subject of a report and recommendation ("report") by this Court, which recommended denial of the motion (doc. # 109). A review of the record also reveals that the district judge, before adopting the report and denying the motion, conducted a *de novo* review of the issues presented in that motion and concluded that the report set forth the proper legal and factual basis for the decision. *See* Doc. # 121 at 1 ("No objection has been filed to that Report and

1 Recommendation, and the time to do so has now passed. Nevertheless, I have conducted a denovo  
2 review of the issues set forth in the Report and Recommendation. Judge Hoffman's Report and  
3 Recommendation sets forth the proper legal analysis and factual basis for the decision. I hereby accept  
4 that recommendation.""). While Wescott now asks the Court to reconsider the motion, Wescott  
5 provides no viable basis for his request. Moreover, while Wescott claims that the superseding  
6 indictment fails to invoke this Court's jurisdiction, Wescott does not provide new or additional  
7 information in support of his assertion.

8 With respect to Wescott's motion in limine (doc. # 114),<sup>1</sup> the record reveals that this Court  
9 construed the motion as a supplement to Wescott's motion to dismiss the indictment (doc. # 59) and  
10 denied the supplement as moot on the grounds that the motion to dismiss the indictment was already  
11 addressed by the Court and even granted in favor of Wescott. *See* Doc. # 125. While Wescott now  
12 asks the Court to reconsider the motion in limine, he fails to provide a viable basis for his request. In  
13 addition, while Westcott appears to be contesting the superseding indictment, this assertion is  
14 improperly presented to this Court in light of the fact that the instant motion is purportedly a motion  
15 in limine, and Westcott fails to address the new information contained in the superseding indictment.

16 Accordingly, **IT IS HEREBY ORDERED** that Wescott's Motion to Renew Motions (doc.  
17 # 153) is **denied**.

18 DATED: August 7, 2015

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22 C.W. Hoffman, Jr.  
23 United States Magistrate Judge  
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27 <sup>1</sup> The Court notes that it addressed the discovery aspects of Wescott's Motion in Limine in a prior order. *See* Doc.  
28 # 85.